

REMARKS

Claims 48-98 are pending in this application, with claims 48, 92 and 98 being independent. Claims 1-47 have been cancelled, and claims 48-98 have been added. Specifically, claims 48-98 have been added to articulate aspects of the invention for which protection is presently sought based on discussions between applicant's representatives and Examiner Prieto. That said, applicant wishes to thank Examiner Prieto for conducting a personal interview with applicant's representatives on September 21, 2006, the substance of which is incorporated in the following remarks.

Claim 29 has been objected to for lacking sufficient antecedent basis. Claim 29 has been cancelled, rendering this objection moot.

Claims 29, 32, 36 and 37 have been rejected as failing to comply with the written description requirement. Claims 29, 32, 36 and 37 have been cancelled, rendering this rejection moot.

Claims 1, 46 and 47 have been rejected as being unpatentable over Pickup (U.S. Publication No. 2003/0212791) in view of Brown (U.S. Publication No. 2002/0078158). Claims 2-12 and 43-45 have been rejected as being unpatentable over Pickup in view of Brown and Judge (U.S. Publication No. 2003/0172294). Claims 13-42 have been rejected as being unpatentable over Pickup in view of Brown, Duvall (U.S. Patent No. 5,884,033) and Paul (U.S. Patent No. 5,999,932). Applicant has cancelled claims 1-47, rendering these rejections moot.

New claims 48-96 have been added, including new independent claims 48, 92 and 98. New independent claim 48 recites, among other features, "receiving, at the communications service provider, an electronic communication from a third party service provider, the third party service provider being configured to facilitate a transaction of goods or services between the sender and the recipient, and the received electronic communication being configured to be used by the communications service provider to enable the recipient to receive at least one future message from the sender at a future time for a limited amount of time, the at least one future message being associated with the transaction for goods or services between the sender and the recipient." Applicant requests allowance of claim 48, and its dependent claims 49-91, because none of the cited art describes or suggests the above-recited features, which identify interactions between four distinct entities – (1) a sender; (2) a recipient; (3) a third party service provider that

facilitates a transaction for goods or services between the sender and the recipient; and (4) a communications service provider that receives an electronic communication from the third party service provider that is used by the communications service provider to enable the recipient to receive at least one future message from the sender at a future time for a limited amount of time, the at least one future message being associated with the transaction for goods or services between the sender and the recipient facilitated by the third party service provider.

As discussed during the interview on September 21st, in one implementation example described in the application, the sender is an auction seller; the recipient is a potential auction buyer; the third party service provider is ebay.com; and the communications service provider is AOL. AOL receives a communication from ebay.com that is used by AOL to ensure that the potential auction buyer is able to receive, from the auction seller in at least one future message, an answer to a question submitted by the potential auction buyer to the auction seller. AOL is able to ensure that the potential auction buyer is able to receive the answer to the question by temporarily modifying the message filtering rules associated with the potential auction buyer in response to receipt of the communication from ebay.com. See page 8, lines 13-27. Yet the message filtering rules are not permanently changed - they are instead restored to their previous state as if the communication from e-bay.com had not been received once the relevant time period has lapsed.

In another implementation example described in the application, the sender is Delta Airlines; the recipient is a ticket purchaser; the third party service provider is travelocity.com; and the communications service provider is AOL. AOL receives a communication from travelocity.com that is used by AOL to ensure that the ticket purchaser is able to receive, from Delta Airlines in at least one future message, flight cancellation or scheduling information. AOL is able to ensure that the ticket purchaser is able to receive the flight cancellation or scheduling information by temporarily modifying the message filtering rules associated with the ticket purchaser in response to receipt of the communication from travelocity.com. See page 9, lines 10-21. Yet the message filtering rules are not permanently changed - they are instead restored to their previous state as if the communication from travelocity.com had not been received once the relevant time period has lapsed.

None of the cited art describes or suggest the above-recited interactions between the sender, the recipient, the third party service provider, and the communications service provider. Rather, the cited art generally deals with e-mail systems that describe a message sender, a message recipient, and one or more mail servers that filter messages through various mechanisms. In particular, the cited art does not contemplate at least receiving a communication from a third party service provider that facilitates a transaction of goods or services between a sender and a recipient, the communication being used by a communications service provider to enable the recipient to receive future message(s) from the sender involved in the transaction for a limited amount of time. For at least these reasons, applicant requests allowance of claim 48 and its dependent claims 49-89.

Independent claims 92 and 98 recite limitations within systems configured for operations analogous to those described above with respect to claim 48. Accordingly, applicant requests allowance of claim 92, and its dependent claims 93-97, and claim 98 for at least the same reasons provided above in support of allowance of claim 48.

Applicant submits that all claims are in condition for allowance.

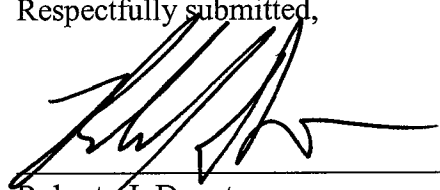
The fee in the amount of \$910 in payment for the Request for Continuation fee (\$790) and for the Petition for One-Month Extension of Time fee (\$120) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Applicant : David Wexelblat
Serial No. : 10/748,122
Filed : December 31, 2003
Page : 16 of 16

Attorney's Docket No.: 06975-460001

Respectfully submitted,

Date: 10/23/06



Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

40374490.doc